A. Eliot
The gift of His Honor

AN

EPISTLE

FROM

TIMOLEON.

[PRICE ONE SHILLING.]

Supposed to be written by Mr Bollan

B

Rec'd March 20, 1845
Gift of Hon. L. L. Clutt
of Boyle

AN

EPISTLE

FROM

TIMOLEON,

TO ALL THE

Honeſt Free-Holders, and other Electors

OF

MEMBERS of PARLIAMENT.

WHEREIN THE

Great Miſchief and Danger of Corruption are ſet forth and proved from its Operations in *Greece* and *Rome*.

Pro Deo, Rege, & Patria.

LONDON
Printed; and Sold by W. OWEN, at Temple-Bar.
MDCCLXVIII.

P-2027. 4R. 4030 F

HARVARD COLLEGE LIBRARY
GIFT OF
SAMUEL A. ELIOT
28 Mar. 1845

AN EPISTLE

TO ALL THE

Honeſt Free-Holders, &c.

EVery man acquainted with the riſe and fall of free ſtates, and their cauſes, when he conſiders our preſent condition, muſt, I conceive, clearly diſcern that we are in imminent danger of being undone by thoſe perſons to whom the conſtitution of our country hath committed the care of our preſervation. Our unhappy diviſions and debts, luxury and diſſipation, violence and inſtability, with the meanneſs of our ambition, whoſe ſelfiſh objects differ ſo far from the dignity and welfare of the kingdom, would doubtleſs ſufficiently diſtreſs and endanger us, without corrupting the fountains of our ſtrength and our ſafety, I mean that courſe of bribery which now takes place between candidates and electors with ſo great exceſs, notoriety, and confidence, which will be the chief ſubject of this epiſtle, intended to contain rather pertinent collections from hiſtory, law, and the writings of able authors, the chief ſources of ſound policy, than my own obſervations.

The common-wealth apparently labours under the pregnant maladies of irreligion, luxury, licentiouſneſs, corruption, and diſſention, which the ableſt friends to the felicity of mankind have ever declared to be the moſt dangerous enemies to a free ſtate. Sir *Walter Ralegh*, in his ſtate maxims, after defining the converſion of a ſtate to be the declining of the common-wealth to ſome other form of government, or to its full and laſt period appointed by God, aſſigns four general cauſes for this converſion, 1 " want of religion, " to which he imputes the converſion of the *Jewiſh* ſtate, the four monarchies, with others. 2, " want of wiſdom and good counſel, " to keep the ſtate, the prince, nobles and people in good " temper and due proportion, according to their ſeveral or- " ders and degrees." 3, " want of juſtice in adminiſtration " (as ill laws, or ill magiſtrates) or in the execution, as re- " wards not given where they ſhould be, or there beſtowed " where they ſhould not be, or puniſhments not inflicted " where they ſhould be. 4, want of power and ſufficiency " to maintain and defend itſelf; as armour, money, captains, " ſoldiers, &c. Execution, when the means or proviſion " is not uſed, or ill uſed.

An anonymous author of the laſt century, in his arguments for a free ſtate ſays, " this is moſt certain that when luxury " takes place there is as natural a tendency to tyranny as there " is from the cauſe to the effect; for, you know, the nature of " luxury lies altogether in exceſs. It is a univerſal deprava- " tion of manners, without reaſon, without moderation; " it is the canine appetite of a corrupt will and phant'sy, " which nothing can ſatisfy; but in every action, in every " imagination, it flies beyond the bounds of honeſty, juſt and

" good

" good, into all extremity." And after obſerving that under a free ſtate, " the people are even endued with a more magnanimous, active and noble ſpirit than under the grandeur " of any ſtanding power what ever," coming to the proper rule of behaviour for the people, he ſays, " that being once " poſſeſſed of liberty they ought to uſe it with moderation, " leſt it turn to licentiouſneſs, which as it is a tyranny itſelf, " ſo in the end it uſually occaſions the corruption and converſion of a free ſtate into monarchial tyranny," And another anonymous author, upon the enquiry how the abſolute monarchies of old aroſe, obſerves, " that ſome of them " might very well proceed from the corruption of better " governments, which muſt neceſſarily cauſe a depravation " in manners (as nothing is more certain than that politic " defects breed moral ones, as our nation is a pregnant example) this debauchery of manners might blind the underſtandings of a great many, deſtroy the fortunes of others, " and make them indigent, infuſe into very many a neglect " and careleſneſs of the public good (which in all ſettled ſtates " is very much regarded) ſo that it might eaſily come into " the ambition of ſome bold aſpiring perſon to affect empire." And the ſame author, who wrote in the year 1681, enquiring into the reaſons why this nation, which had ever been eſteemed, and very juſtly, one of the moſt conſiderable people of the world, and made the beſt figure in war and peace, was then of ſo ſmall regard, and ſignified ſo little abroad, declares the cauſe of all this was the diſunion of the people and the governours, the diſcontentment of the gentry, and turbulency of the commonalty, altho' without all violence or tumult,

which was miraculous. Order, you are ſenſible, is the ſtrength and ornament of every ſtate; and therefore this author with reaſon aſſerts that " breach of rules and order cauſes di-
" viſion, and diviſion when it comes to be incurable expoſes
" a nation almoſt as much as a tyrannical government does".

Machiavel ſuppoſes that if the corruption of the kings of *Rome* had been propagated to the third ſucceſſion it would with eaſe have been infuſed into the people, who being infected, nothing could have preſerved the city, much leſs have reſtored it to its former vigour and reputation; and notwithſtanding my deſire of brevity, I cannot forbear giving you entire his chapter entitled, *How eaſily mens manners are corrupted*, wherein he writes as follows. " It is remarkable likewiſe in
" the paſſages of the *Decemviri*, that men are eaſily corrupted,
" and become wicked, be their education never ſo good, the
" youth which *Appius* debauched, and took for his guards
" is ſufficient to prove it; who, tho' of honourable extraction
" and brought up with all poſſible advantage, ſuffer'd them-
" ſelves to be corrupted by their preferments, became fa-
" vourers of tyranny, and prefer'd their licentiouſneſs before
" the liberty of their country. *Quintus Fabius* did the ſame,
" who, tho' an excellent perſon at firſt, and one of the *De-*
" *cemviri* of the ſecond creation, blinded with ambition, and
" enveigled by the cunning of *Appius*, changed his good hu-
" mour into bad, and grew as intolerable as he; which things,
" if ſeriouſly conſidered, ſhould make all legiſlators (either
" in common-wealths or kingdoms) the more careful and
" diligent to reſtrain the ambition of mankind, and take from
" them all hopes of impunity when they offend in that
" kind".

We

We ſhould always remember this plain political truth, which the ableſt judges declare, and hiſtory proves, and which *Don Diego Saavedra Faxardo*, for the inſtruction of his ſovereign, aſſerted, that, *From the nature of human ſocieties all thoſe kingdoms which do not through wiſdom advance in counſel and ſtrength, do certainly decline*, and it is, I preſume, utterly impoſſible for any of the parties concerned to ſhew us how corruption can conſiſt with, much leſs promote, our advancement. Our declenſion, with the conſequent diſſolution of our preſent form of government, would, in my poor opinion, be attended with remarkable diſgrace, and the moſt grievous diſtreſs: but whether this opinion be well or ill founded, it is ſurely high time thoroughly to rouſe that public virtue whereon our conſtitution is founded, and to exert our utmoſt abilities to preſerve firm and entire the foundation of that noble ſtructure which all admire, while corrupt men are daily undermining it.

For the further illuſtration of the ſad effects of public corruption and diſſipation, let us take for an example the fall of the *Achæan* common wealth, whereof I ſhall give you an account from the learned *Schildius*, who ſays that, " Two " wounds which the *Achæans* had themſelves inflicted on " their own body haſtened the diſſolution and deſtruction of " it, to wit, contentions and perplexed counſels, obſerved " by their enemies, and that, as in a body decayed thro' age, " the greater part of their concerns with foreign ſtates was " tranſacted with leſs ſpirit than in former times, and beneath " the honour of the common-wealth. When they had given " themſelves theſe wounds what leſs could be expected than

" deſtruction

" deſtruction from a foreign power? After the *Romans* had
" ſubdued the *Carthagenians* and *Macedonians* the *Achæans*
" alone of all *Greece* were thought too powerful, not from
" the too great riches of the ſeveral cities, but from the con-
" federacy of them all; for tho' the *Achæans* were divided
" by cities as by limbs, they had however one body, and one
" government, and by their united forces repelled the dangers
" of the ſeveral cities. The *Romans*, thoſe conſtant admirers
" of magnanimous nations, as a kin to themſelves, had long
" obſerved that their demands by their embaſſies were for the
" moſt part anſwered in an effeminate and very timid man-
" ner, and that every thing was publicly indulged to their
" commanders in *Greece*. This ſtupefaction, this puſillanimi-
" ty and indolence incited them to an action more ſuitable
" to tyrannic haughtineſs than *Roman* mildneſs; for they re-
" quired all thoſe who were upon the ſlighteſt grounds ſuſ-
" pected to have given the leaſt pecuniary or other ſupport to
" *Perſeus* to appear at *Rome*, and plead their cauſe. This was
" new and harſh to the *Achæans*; for neither *Philip* nor *Alex-*
" *ander*, the moſt powerful of the *Macedonian* kings, had ever
" required their adverſaries to be brought out of *Greece* into
" *Macedonia* upon any queſtion; but had willingly ſuffered the
" court of the *Amphictions* to take cognizance of doubtful
" matters: but the *Romans* by edict commanded every man
" whoſe name was given in by that vile traitor to his country
" *Callicrates* to be brought to *Rome*; and, according to *Pau-*
" *ſanias*, more than a thouſand were deduced, whom the
" ſenate commanded to be diſtributed for public cuſtody into
" the towns of *Hetruria*, utterly diſregarding the application
" made for their releaſe by the legates and interceſſors from
" time to time ſent by the *Achæans*."

Schildius

Schildius goes on to relate the ſubſequent proceedings, which iſſued in a declaration of war made by the *Romans*, to be conducted by the conſul *Mummius*, who forthwith marched with a well appointed army, and was ready to give battle to the *Achæans*, whoſe approaching fate might well be foreſeen; for, through their ſtrange infatuation, behaving as if they were in no danger, all their affairs were in a neglected improvident ſtate, full of ſenſeleſs confuſion; yet, conceited of their own ſufficiency, to proceed in the words of my author, "thinking of plunder, not of battle, they took "with them carriages to bring back the ſpoils of the enemy, "and placed their wives and children on the hills to behold "the engagement. But when engaged, being ſlain before "their eyes, they left a ſorrowful ſpectacle and grievous me-"morial of lamentation to them who likewiſe of ſpectators "becoming themſelves a ſpectacle were the prey and ſport "of the enemy. The prætor *Diæus* having ſlain his wife with "his own hand, by a draught of poiſon accompanied her "fall with that of his country. The city of *Corinth*, the "head of *Achaia*, and ornament of *Greece*, was reduced to "aſhes the men ſlaughtered, the weak age and ſex ſold for "ſlaves. The walls of the other cities were demoliſhed, "the inhabitants diſarmed, the nation prohibited to hold "counſels, a form of tribute was preſcribed; and laſtly a "prætor appointed to be ſent yearly from *Rome* to adminiſter "juſtice."

Thus fell one of the moſt ancient and famous cities in the world, whoſe ſituation, according to *Strabo*, made her as it were a fortreſs to all *Greece*; miſtreſs of the finer arts, and

and the univerſal magazine whence *Europe* and *Aſia* furniſhed themſelves with veſſels of all ſorts of metals. There the fineſt ſtatues were caſt for temples and palaces, and painting and ſculpture were brought to great perfection. But, what was far more for her honour, according to *Plutarch*, *Corinth* had ever ſhewn herſelf a friend to liberty, and a foe to tyranny; and with her fell the renowned common-wealth of the *Achæans*, who, from being formidable by their union, wiſdom and virtue, became, by their corruption, diſſipation, contention, and improvidence, the moſt miſerable victims to the luſt of domination, ſeverity and diſcipline of the *Romans*.

The moſt excellent *Polybius* had haſtened from *Africa* to do what ſervice he could for his country; but had the mortification to behold its capital in flames; nevertheleſs, being a real patriot, by his wiſdom and kind offices, and making the beſt uſe of the great eſteem and friendſhip which *Scipio Africanus* had for him, he afterwards performed many ſignal ſervices for the poor diſtreſſed inhabitants who had not been put to the ſword, or to ſale like ſo many cattle; in return they erected his ſtatue, with this inſcription. *To the memory of* Polybius, *whoſe counſels would have ſaved* Achaia, *if they had been followed; and who comforted her in her diſtreſs.*

In order ſtill more deeply to impreſs a due ſenſe of the malignant nature of public corruption, with the neceſſity of its ſeaſonable and effectual extirpation, we ſhall now come to that common-wealth which was invincible till ſubdued by it, I mean that of the *Romans*, who having in the courſe of their grandeur and declenſion, by their virtue and liberty, vices and ſlavery, diſcipline and laws, given to all nations, and more eſ-

pecially

pecially to thoſe that are free, the moſt profitable leſſons, their corruption in the election and appointment of perſons to adminiſter their affairs, with their proviſions againſt it, merits the moſt ſerious conſideration.

Gravina, a celebrated modern lawyer, from whom *Monteſquieu* has with commendation taken his definition of a political and of a civil ſtate, in treating of the *Roman* laws* writes as follows.

Upon the Julian *law concerning Bribery*,

" We ſhall have nothing to fear from Magiſtrates reſpecting " thoſe frauds which are reſtrain'd by former laws, provided " we remove all fraud from their creation, and give the reins " of government to the deſerving, in juſt, free, and uncor- " rupt aſſemblies; the moſt uſeful therefore of all laws are " thoſe made againſt ambition, which provide that in the pe- " tition of honours virtue be not overcome by money, probi- " ty by craft, the better by the worſe, as uſual, nor dignities " ſubmit to gifts, and liberty be taken from the citizens by " largeſſes and promiſes of votes; for ſuffrages ſhould be the " teſtimonies of merits, not a remuneration of gifts. Who- " ſo therefore had corrupted the tribes by privily diſperſing " money, and had bought the peoples good will by gifts, " fraudently combining with many, and by hiring men, " that he might obtain the magiſtracy, and his competitor " be rejected, was puniſhed firſt by the *Tribunitial Petilian* " law; afterwards by others, publiſhed at different times as " need required, to wit, the *Bæbian*, *Marian*, *Fabian*, *Corne-* " *lian*, *Calſurnian*, *Tullian*, *Auſidian*, *Licinian*, *Pompeian*, and " laſtly by the *Julian* with interdiction of water and fire; at " firſt indeed for ten years, but afterwards for life [*perpetuo*] " of which laws the *Julian* only is inſerted in the books of

 " the

* *Originum Juris Civilis, lib.* 3.

" the law; for after that, in the time of *Tiberius* the right of " ſuffrages devolved from the people to the ſenate, that it " might be more eaſily transfered to the prince alone, the " authority of theſe laws entirely ceaſed; for who cou'd by " laws control the actions of princes? Hence even of the " *Julian* law there is but light mention in the Digeſts. Its " author was not *Julius Cæſar* alone, but alſo *Auguſtus*, who " divided to each of the two tribes, the *Fabian* and *Scaptian*, " of which he was a member, a thouſand pieces of money " on the day of the comitia, that they might deſire nothing " of the candidates, as *Suetonius* relateth; and, among other " puniſhments, he interdicted petition of magiſtracy for five " years to perſons guilty of this crime: But when the princes " took the creation of magiſtrates into their own care, the law " reſpecting bribery ceaſed in the city, and remained only in " the municipies and municipal honours; and to baniſh this " vice from urban honours it was ſufficient to drive avarice " from the princes court, which *Juſtinian* endeavoured by the " 8th of his new conſtitutions; but inſtead of the interdiction " of fire and water deportation is ſubjoined.——Leſſer bri- " bery is by a decree of the ſenate reſtrained by a leſſer " puniſhment, to wit, a fine of 100 crowns, with infamy; " which he incureth who, contrary to the law reſpecting " bribery, hath in a municipy ſought magiſtracy or prieſt- " hood; by which law a perſon condemned is reſtored to " his former ſtate, if he hath convicted another in judgment " of the ſame crime; and this by the *Calſurnian* law,"

To this let us add, That *Julius Paulus*, one of the chief of the *Roman* lawyers, who lived in the third century, in the 5th book of his Received Sentences, preſerved by *Anien* a

lawyer

lawyer of note under King *Alaric* 2d, " Tit. 30. Upon the " *Julian* law concerning bribery," informs us how the terror and force uſed by candidates were repreſſed, to wit, " If the " candidate for an office, or prieſthood of a province hath for " the ſake of ſuffrages hired a crowd, called together ſervants, " or hired any other multitude, being convicted, as guilty of " public violence, is baniſhed [*deportatur*] into an iſland."—— That notwithſtanding former laws, the people being extremely corrupted by the gifts of thoſe who ſued for offices, many making a conſtant trade of ſelling their votes, the younger *Cato*, when prætor, was reſolved to root this corruption out of the common wealth; he therefore perſuaded the ſenate to make a decree that they who were choſen into any office, tho' no one accuſed them, ſhou'd be obliged to come into court, and give account upon oath how they had obtained their election; and, having to his great honour, by his reſolute conduct, quell'd a dangerous ſedition raiſed by the corrupt candidates and electors, he afterwards attended the elections in perſon*.——That *P. Autronius* and *L. Sylla*, conſuls elect, as *Salluſt* informs us, being interrogated upon the laws againſt bribery were puniſhed; the former of whom was a party in *Catalines* firſt conſpiracy.——That *Pompey*, to obtain the conſulate for *Afranius*, corrupted the tribes by money diſtributed in his own gardens, the diſcovery whereof brought him into great diſgrace; nevertheleſs afterwards, when ſole conſul, he began his adminiſtration by taking cognizance of the bribary of others; and by vigorous proſecutions, founded upon former and new laws, *Hipſæus*, a man of conſular dignity, *Memmius*, *Sextus*, and many other offenders, chiefly illuſtrious perſons, were brought into judgment.——But when

* See *Plutarchs* Life of *Cato* the Younger.

Memmius, to obtain his exemption from puniſhment, purſuant to the *Pompeian* as well as *Calſurnian* law, accuſed *L. Scipio*, the father in Law of *Pompey*, he deter'd the accuſer, and ſhamefully defeated the accuſation.——That *Cæſar*, the author of the *Julian* law, far exceeded all others in corruption. In the courſe of his ten years wars in the weſt he acquired immenſe riches. In *Gaul*, *Suetonius* ſays, he pillaged the rich temples of the Gods, and deſtroyed the cities oftner for the ſake of plunder than for any offence. He made ſale of alliances and kingdoms, and by his vaſt and various collections corrupted armies, ſenators, knights, and men of all orders, in ſhameful numbers, in the common wealth, employing herein ſo great treaſures, that the particulars, recounted by faithful authors, cannot be read without aſtoniſhment and exprobration. Under colour of public ſervice theſe profligate partiſans procured for him public money: and, to ſum up his infamous conduct, by his boundleſs and mercileſs plunder he corrupted the civil and military guards of his country, with their aid pluck'd up all its liberties by the roots, and from the moſt corrupt member of the free ſtate became abſolute lord over his fellow citizens and the whole *Roman* world. Hence we may learn that corruption, uncontrouled by ſalutary laws made in ſeaſon, accompanied with conſtant and vigorous execution, will infallibly deſtroy the moſt powerful free ſtate; and whoever would preſerve any ſtate of which the repreſentation of the people by election is an eſſential part, ſhou'd keep in mind the obſervation recorded by *Plutarch**, who after ſaying that "when "money became an ingredient in the ſuffrages of the *Romans* "it reached even to their tribunals and camps, arms were ſub-

"dued

* In the life of *Coriolanus*.

" dued by money, and the common-wealth changed into a " monarchy," immediately ſubjoins, " it was juſtly obſer- " ved by ſome one, that the perſon who firſt began to give " treats and largeſſes to the people was he that firſt deprived " them of their power."——That *Cæſar* during his domination divided the comitia with the people, ſo that, excepting the competitors for the conſulate, they might chuſe from the candidates for the other offices the one half part at their pleaſure; but this right being intermitted in the civil wars that aroſe upon his death, *Auguſtus* after his eſtabliſhment reſtored it, at the ſame time reſtraining bribery in the uſe of it by a manifold puniſhment. The words of *Suetonius* are *Comitiorum quoque priſtinum jus reduxit, multiplici pœna coercito ambitu.* By *priſtinum jus* the judicious *Caſaubon* underſtands, not, as ſome have done, the right of the people in their comitia during the common-wealth; but the right given them by *Cæſar*: and *Dio*, in the 53d book of his hiſtory, ſpeaking of the affairs under *Auguſtus*, who apparently ſtudied how to ſooth the *Romans* into ſettled ſlavery, ſays, the whole ſenate had their ſeparate judgments as formerly, and gave anſwers to certain embaſſies and meſſages from commonwealths and kingdoms; and the comitia were held, yet nothing was done there that was diſagreeable to him, who recommended ſome of the magiſtrates, leaving others to the peoples choice, taking care that no unfit perſon ſhou'd be choſen, nor any thro' faction or bribery.——That in the reign of *Trajan* the corruption of electors by feaſts, preſents, and depoſits of money becoming notorious, the ſenate with proper public ſpirit took cognizance of the matter, and reſolved to inhibit this proſtitution; but before this reſolution was compleated, it being their cuſtom to reduce into proper form by a few what was reſolved by the whole,

whole, one of their members propoſed that, inſtead of their ſentence, the conſuls ſhould make their unanimous deſire known to the prince, and pray that as by his provident care he had reſtrained other vices he wou'd this alſo, to which all parties aſſenting the emperour directly complied with their requeſt, and by the law againſt bribery reſtrain'd thoſe baſe and infamous expences of candidates.——That the *Roman* people after they had by their corruption loſt their liberty, and with it their noble ſentiments, were ſo depraved, that *Juvenal*, in his 10th Satyr, ſays,

Jam pridem, ex quo ſuffragia nulli
Vendimus, effudit curas: nam qui dabat olim
Imperium, faſces, legiones, omnia, nunc ſe
Continet, atque duas tantum res anxius optat,
Panem & Circenſes.

and their bondage was accompanied with remarkable ignominy. *Pliny*, in his panegyric addreſs'd to *Trajan*, ſays that "the more "part of the emperours, while they were lords over the citi- "zens were the ſlaves of their freedmen, by whoſe counſels "and caprice they were governed." This was the fate of the people under many ſubſequent weak and wicked princes; and under better rulers, that corruption which had ruined the free, and raiſed the imperial ſtate, frequently found at court powerful patrons of various denominations, who by their diſſembled probity and affection impoſed on the emperour, and by their wiles prevailed to have their ſuitors prefered to public offices, in prejudice to perſons of merit, and contradiction to that plain political aphoriſm, that *No government can proſper wherein places are found for men, and not men for places.* The wiſer emperours uſed their utmoſt endeavours, by penal laws, and other proper meaſures, to drive from their courts theſe dangerous

men

men, whoſe offences were two-fold, firſt, in making ſale and delivery of offices, ſecondly, in taking money from their ſuitors, giving them in exchange only repeated promiſes, which was uſually called ſelling of ſmoak. One of the chief dealers in this trafic was *Vetronius Turinus*, the familiar friend of *Alexander Severus*, the ſon of *Mamæa*, a young prince of the moſt amiable and excellent qualities, noble in diſpoſition, as well as by birth and the education given him by an excellent mother; who delighted in the happineſs of his people, and the wiſdom of great and good men, whom he eſteem'd his true friends; who was liberal without profuſion, valiant without cruelty, and at once a ſevere and equitable judge: and who in the whole courſe of his reign, ſaving while under the influence of *Turinus*, paid all due regard to the good advice given him by his faithful friends, of whom the writer of his life ſays, they were upright and venerable men, not malicious, rapacious, factious, crafty, or who conſented to evil, nor enemies of good men; not libidinous or cruel, nor circumventors or deriders of their prince, nor ſuch as led him about like an ideot; but were continent, religious, and lovers of him, having all due regard for his honour; who ſold nothing, nor brake their word, nor deviſed any falſities; and who ſet too high a value on the eſteem of their prince to forfeit it by deceiving him; but young minds being more liable to be deluded by ſubtle devices, and the crafty diſſimulation of public virtue and private affection, than thoſe who have had the benefit of experience, for which there is in many caſes no equivalent, *Turinus* by his cunning ſo deceived *Alexander* that he gained his entire confidence, and then proſtituted it to ſuch exceſs that he made ſale of his juſtice, favour and appointments; and moreover ſold his own deceitful promiſes, having perſuaded the people that by his influence

he

he could do all things at his will, whereby he diſhonoured the government of *Alexander* as that of a fooliſh man, and whom he had in his power: At length his manifold crimes being diſcovered and fully proved, by the emperours command, he was publicly put to death by the ſmoak of ſtraw and moiſt wood, the crier ſaying, *He is puniſhed by ſmoak, who ſold ſmoak.* ——That the court of *Conſtantine* the Great being infeſted with theſe traders in corruption he excluded them from all concerns in government, but kept them employed in domeſtic offices; whereupon *Lampridius*, in his life of *Alexander*, addreſs'd to this emperour, after relating the conduct and fate of *Turinus*, and ſetting forth the great danger that attends the common-wealth when the throne is ſurrounded by corrupt men, who alienate the affections of the moſt worthy prince from his people, directly told him that he was ſubſervient to ſuch; [*talibus ſervit*] from whoſe reſentment himſelf was in danger for writing ſo freely; and, after mentioning the partial reform of his court, proceeds to tell him that the friends, companions and counſellors of *Alexander*, many of whom he names, were men that excell'd in learning, wiſdom and virtue. *Conſtantine* incited by this reprehenſion, and the writings of others, as ſuppoſed, in the year 325, made that noble and famous edict, whereby he invited perſons of all orders, who were conſcious they cou'd prove that any of his judges, officers, friends, or courtiers had not behaved with integrity and juſtice, to come with all ſecurity, intrepidity, and freedom, and appeal to him, who wou'd perſonally examine every matter, and on due proof of the offence vindicate himſelf, and puniſh the perſon who had deceived him with diſſembled integrity; and declared that he wou'd advance in honour and wealth the man who ſhould make

make ſuch information and proof, confirming this edict with a ſolemn imprecatory oath.——That in the reign of ſeveral emperours, thro' their provident care, and good fortune, bribery had no place in their appointment of public officers. Of *Adrian* it is ſaid by *Dio* that his friends never injured any perſon, nor ſought to take the leaſt advantage of his words or actions: but *Conſtantine* was unable by this ſpirited edict to extirpate the corruption which thro' his inattention or indulgence had taken deep root, and afterwards flouriſh'd in the reigns of his ſons *Conſtantius* and *Conſtans*; *Julian* however, the ſucceſſor of the ſurvivor, extirpated it, ſo that *Mamertinus* writing to him ſaid, "whoever ſought provinces, tribuneſhips, "prefectures, or the conſulate, had no need to get money by "right or wrong to obtain them."——That under *Valentinian* this ſale of ſuffrages began again, but was ſoon repreſs'd; nevertheleſs under *Theodoſius* the Great the miſchief grew up to a great exceſs; but in the year 397 *Arcadius* who governed in the Eaſt, in his own name and that of *Honorius*, who governed in the Weſt, and who afterwards, in the year 410, freely diſcharged the *Britains* from their allegiance, iſſued an edict, ordaining that if any perſon ſhou'd corruptly ſeek the illuſtrious dignity of the palace, and attempt by bribery to aſcend to thoſe honours which were given to none but to men approved by the emperour, of whatever place, order or dignity he were, his goods ſhou'd be confiſcated, and himſelf puniſhed with the exile of deportation ——That *Juſtinian*, by the conſtitution or edict mentioned by *Gravina*, labour'd to eſtabliſh juſtice and equity in all parts of the empire, and for that end to enforce the due obſervance thereof in all his officers; and after making various proviſions againſt corruption for this noble purpoſe,

whereby he puniſhed the offenders in ſome caſes with pecuniary mulcts, corporal chaſtiſement, and perpetual exile, he provided a moſt ſolemn oath, to be taken by thoſe who ſhould receive governments or adminiſtrations, whereby among other things, they ſhould ſwear to this effect, That they had not made or promiſed, nor would make any gift on account of their appointment, or of any patronage reſpecting it; and that they would not at any time while in their office make any gift neither for the ſake of powerful ſuffrage [or protection] nor to any of the officers therein named, nor to thoſe who were about them, nor to any other perſon whatever.

Hence it is evident that the moſt intelligent and worthy *Romans* in the imperial as well as free ſtate were ſolicitous to prevent bribery and corruption, agreeing in opinion with *Pompey*, that this was the origin of all public miſeries, and that having purged that humour the common-wealth would ſoon recover its former vigour; and it is needleſs to ſay that the men renowned for wiſdom, and regard for the public good from *Moſes* to *Monteſquieu* have held the neceſſity of expelling corruption in order to the public happineſs. The latter ſays of the *Roman* people, that "when virtuous they were magnanimous; but when their morals were corrupted the more "power they were poſſeſs'd of the leſs prudent was their conduct, till at length upon becoming their own tyrants and "ſlaves, they loſt the ſtrength of liberty to fall into the weakneſs and impotency of licentiouſneſs."

One of the moſt eminent modern lawyers *, not to cite others, writes to this effect, that ſocieties being governed by public

* *Chriſt. Wolfius. Jus Naturæ.*

public officers, and the public good being to be promoted as far as may be, of neceſſity theſe officers ought to have ſufficient ability, with integrity, and that it is not to be born in the common-wealth that offices ſhould be confered by reaſon of gifts; and therefore the giver and receiver are both to be puniſhed; and that gifts are not to be received even from the ſkilful, becauſe future imminent dangers are to be averted, and no man is to be paid for doing what his duty requires. But we have no occaſion to illuſtrate from the learned labours of foreigners what a moſt excellent author of our own has demonſtrated. Mr. *Locke*, in his eſſay concerning the true original extent and end of civil government, writes thus, " When " by the arbitrary power of the prince the electors or ways of " election are altered without the conſent, and contrary to the " common intereſt of the people, there alſo the legiſlative is " altered: For if others than thoſe whom the ſociety hath " authorized thereunto do chuſe, or in another way than what " the ſociety hath preſcribed, thoſe choſen are not the legiſla- " tive appointed by the people." And afterwards, ſpeaking of the ſupreme executor, ſays, " He acts alſo contrary to his " truſt when he either employs the force, treaſure, and offices " of the ſociety, to corrupt the repreſentatives, and gain " them to his purpoſes, or openly pre-engages the electors, and " preſcribes to their choice ſuch whom he has by ſollicitations, " threats, promiſes, or otherwiſe won to his deſigns, and em- " ploys them to bring in ſuch who have promiſed before-hand " what to vote, and what to enact. Thus to regulate candi- " dates and electors, and new-model the ways of election, " what is it but to cut up the government by the roots, and " poiſon the very fountain of public ſecurity? For the people " having reſerved to themſelves the choice of their repreſenta-

" tives

" tives as the fence to their properties, could do it for no other " end but that they might always be freely choſen, and ſo " choſen, freely act and adviſe as the neceſſity of the common- " wealth, and the public good ſhould, upon examination, and " mature debate, be judged to require. This thoſe who give " their votes before they hear the debate, and have weighed " the reaſon on all ſides, are not capable of doing. To prepare " ſuch an aſſembly as this, and endeavour to ſet up the declared " abettors of his own will for the true repreſentatives of the " people, and the law-makers of the ſociety, is certainly as " great a breach of truſt, and as perfect a declaration of a de- " ſign to ſubvert the government as is poſſible to be met with. " To which if one ſhall add rewards and puniſhments viſibly " employed to the ſame end, and all the arts of perverted law " made uſe of to take off and deſtroy all that ſtand in the way " of ſuch a deſign, and will not comply and conſent to betray " the liberties of their country, 'twill be paſt doubt what is " doing. What power they ought to have in the ſociety who " thus employ it contrary to the truſt went along with it in " its firſt inſtitution is eaſy to determine, and one cannot but " ſee that he who has once attempted any ſuch thing as " this cannot any longer be truſted."

The corruption of the repreſentatives of the kingdom and their electors by the prince, in order to eſtabliſh his own lawleſs power, are the objects of Mr. *Locke's* cenſures, and it is happy for us that the prince on the throne hath no deſign on our liberties; but, on the contrary, hath manifeſted his ſollicitude to ſtrengthen that conſtitution whoſe foundation his ſubjects are daily ſaping by their corruption. Manners are more efficacious in the preſervation of free ſtates than their forms

forms or laws, and they are uſually influenced by thoſe of the prince; yet the preſent royal examples of public and private virtues have perhaps leſs influence than was ever known in any kingdom, and the perſonal virtue of princes is too frail a tenure whereby any nation ſhould hold their liberties; and it is preſumed that no man acquainted with human nature, ſocieties and ſtory can, after due conſideration, heſitate in declaring that if thoſe ſpreading corruptions which have already infected ſo many parts of the body politic ſhould continue in their natural progreſſive courſe, and the government, with its preſent powers, ſhould at any time hereafter be poſſeſſed by an ambitious prince, or a weak one governed by a crafty daring miniſter, prompted by the luſt of power, and the want of protection, we may bid adieu to real liberty, tho' the weak and ſuperficial may be dazzled by empty forms and deceitful appearances. Mr. *Locke* ſeems to have had no idea that his countrymen cou'd ever corrupt each other, as now they notoriouſly do; but the poiſon is the ſame in its nature who ever infuſes it into the body politic. Cauſes will produce their effects whether attended to in ſeaſon or not; and they who will harbour corruption muſt take with it licentiouſneſs, anarchy, confuſion and tyranny, with the whole family of miſery and folly. Lord *Clarendon*, in his ſurvey of the *Leviathan*, obſerves that "error is naturally pregnant, and the more deſperate it "is the more fruitful: and tho' *Monteſquieu* has told us that *when once a republic is corrupted there is no poſſibility of remedying any of the riſing evils but by removing the corruption, and reſtoring its loſt principles, every other correction being either uſeleſs, or a new evil*, thro' the gradual encreaſe of this malady, and the unwary conduct of ſome worthy perſons, who by a concurrence of circumſtances have been infected, and that want

want of attention which is the conſtant companion of luxury and diſſipation, we ſeem to be by no means ſufficiently alarmed with a due ſenſe of our impending dangers; and therefore, altho' it is apparent from what preceeds that continued corruption is incompatatible with the preſervation of any free ſtate, let us farther conſider its relation to us as a commercial people. The moſt intelligent agree that a difference of 3 or 4 per cent. will carry the trade of the world, for which reaſon our taxes are driving us out of it a pace; and if the preſent courſe of bribery continues we ſhall have too much cauſe to fear that many parts of the kingdom will become a melancholy ſcene of corruption, perjury, drunkeneſs, idleneſs and extravagance, in manifeſt diminution of the reverence due to Almighty God, the King, and the laws, and therefore tending to the diſſolution of the bands of ſociety, which are already ſo far unhappily looſened, as well as to the prejudice of thoſe manufactures whereon our trade and navigation depend. The whole world ſubſiſts by labour, and we in an eſpecial manner, which nevertheleſs, under pretence of ſerving our country, we are daily diminiſhing by corrupting the labourers, that is, cutting the bough whereon we ſtand.

Our corruptions are farther to be conſidered as they nearly concern us in another relation, the burthens laid upon the ſtate by modern politics, thro' neceſſity or otherwiſe, which are already ſo grievous in many reſpects, will certainly encreaſe our difficulty and danger when they come to be born together with the expence of thoſe future wars which they will unhappily invite as well as ſharpen, for which we are ſo ill prepared, and whoſe advances are ſo uncertain: theſe united burthens it is conceived will be ſo heavy, that a people enfeebled by corruption, and broken by diviſion, part of its bitter fruits, muſt ſtagger if not ſink under them,

We

We are moreover to remember that an extended empire requires proportionate knowledge, care, force and expence, and that it ever was more difficult to retain than obtain, the former frequently depending on that ſound policy which is not to be epected from corruption, whoſe common companions are pride, idleneſs and inſufficiency, inſtead of wiſdom, virtue and diligence.

In ſhort our corruptions are grown to that exceſs, that our religion, liberty, comfort and ſafety call aloud for the exertion of our abilities to effect its extirpation.

All governments being liable to corruption, and reſting in truſt for execution, the great excellency of the *Britiſh* conſtitution conſiſts in the peoples having frequent opportunities of chuſing new truſtees; and what ſhall we ſay of the man who ſollicits by corruption to be appointed to a truſt which will lay him under the moſt ſacred obligations to take care that the common-wealth receive no harm, and that corruption in every other part of the public adminiſtration be prevented or puniſhed. If we have any juſt regard for our country and its conſtitution, ourſelves and poſterity, it is ſurely high time for us to have no other regard for ſuch men than to uſe all lawful means that their corruptions may be diſcharged by the ſword of juſtice, in order that their country may not in future ſuffer under the ſword of her enemies, and to chuſe thoſe for our repreſentatives who will grace and adorn her, and labour to ſecure and improve the common felicity.

Purify the Fountain, and the Streams will be pure.

F I N I S.